

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,
Defendants.

6:69-cv-07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla

Subfile No.: CHTA-001-0004

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's February 11, 2010, Motion for Sanctions and Default Judgment (Docket No. 9581). The Court, having considered the record in this cause and being fully advised in the premises, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The claims of defendant Joe R. Maestas in Subfile CHTA-001-0004 are subject to the Pretrial Order for Disputed Subfiles filed June 5, 2009 (Doc. 9458). Defendant Joe R. Maestas has failed to provide the State with any of the discovery disclosures required by the pretrial order.
3. If a party fails to obey a scheduling or pretrial order, the Court may make such orders as are just including the entry of a default order. Fed. R. Civ. P. 16(f)
4. The Pretrial Order filed June 5, 2009, states as follows:

The failure to comply with these terms and any other pretrial provisions may result in the entry of a default order which incorporates the State's proposed consent order pursuant to applicable pretrial orders.

5. No response to the State's February 11, 2010, Motion for Sanctions and Default Judgment has been filed.
6. The State's Motion for Sanctions and Default Judgment against defendant Joe R. Maestas in Subfile CHTA-001-0004 should be granted.
7. The water rights of defendant Joe R. Maestas in Subfile CHTA-001-0004 should be adjudicated by default order as follows:

JOE R. MAESTAS

Subfile No.: CHTA-001-0004

A. NO RIGHT (Surface Water Only)

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water: NONE

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: NONE

Location: X= 0 feet Y= 0 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Within the Tierra Amarilla Grant	6.4 acres
Total	<hr/> 6.4 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-001-0004

Amount of Water: NONE

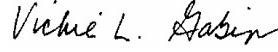
IT IS, THEREFORE, ORDERED that the above-named defendant is adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendant, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

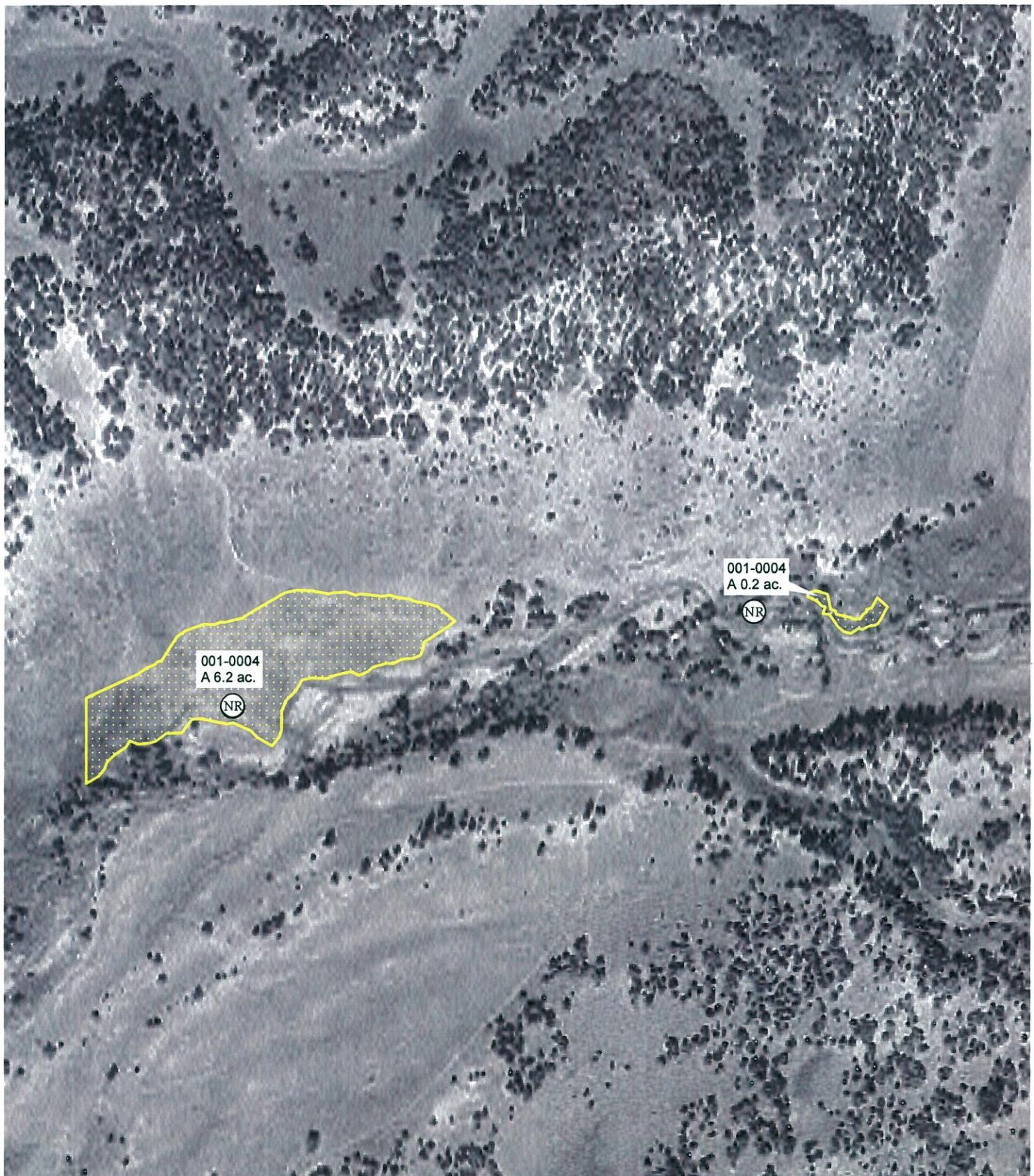


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER



LEGEND

- [Yellow Box] Irrigated Tract Boundary
- [Yellow Line] No Right Tract Boundary
- [Blue Box] Seeped Area
- [Red Arrow] Operable Ditch
- [Red Dashed Line] Inoperable Ditch
- [Blue Circle] Stock Ponds / Reservoir
- [Blue Circle with F] Point of Diversion
- [Blue Circle with F] Fallow
- [Blue Circle with NR] No Right



1 inch = 400 feet

0 200 400
Feet

STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Rito de Tierra Amarilla Section

Subfile Number
CHTA 001-0004
AMENDED
May 27, 2008

